

Appl. No. 09/885,050
Amnt. dated July 23, 2003
Reply to Office Action of January 24, 2003

REMARKS/ARGUMENTS

Initially, Applicant wishes to thank the Examiner for the courtesy extended to Applicant's agent on July 8, 2003 at the Examiner interview. At the interview, the Examiner indicated that the proposed amendment faxed to the Examiner on July 4, 2003 would overcome the prior art and that further consideration would be given upon filing a formal amendment.

In view of the foregoing amendments and these remarks, it is submitted that the objections raised in the Office Action have been overcome.

Initially, Applicant has amended the specification and claims to change the spelling of "cheque" to -check- as requested by the Examiner.

Applicant has also amended claim 1 to include the limitations of claim 3. Claim 3 has been cancelled. Claim dependencies have been amended as appropriate. Independent claims 7, 8 and 12 have also been amended to clarify that the financial transaction relates to checks.

In the Office Action, the Examiner has rejected claims 1-3 and 6-8 under 35 USC 102(b) as being anticipated by Trotta (US Patent 5,595,264). The Examiner has also rejected claims 4-5 and 9-13 under 35 USC 103(a) as being obvious in view of Trotta and the use of checks per se.

In response, Applicant submits that the claims, as amended, are patentably distinguished over Trotta. Specifically, Applicant has amended claim 1 to include the limitations of claim 3 with the further clarifications that the scanned information is "text from a check, code from a check, or handwriting on a check". In addition, Applicant has amended the preamble of claim 1 to emphasize that the transaction is by check. Thus, the subject application, as presently claimed, is directed to a system that allows a check to be used as form of payment for a financial transaction wherein a transaction approval service provides approval or denial for the payment.

Such a system has not been previously considered or disclosed and is advantaged over past transaction systems by specifically enabling higher levels of security to be implemented into a transaction involving a check. Specifically, the subject system overcomes the problems of taking a variety of information from a check and formatting that information to enable transaction approval. While Applicant acknowledges that approval for financial transactions is known, the apparatus and method for obtaining approval relating to transaction using a check has not been previously disclosed.

Specifically and with respect to the Trotta reference cited by the Examiner, Trotta teaches a system for automated shopping that does not contemplate the use of checks (as acknowledged by the Examiner in paragraph 8 of the Office Action) for completing a financial transaction. That is, Trotta is directed to a system wherein a shopper browses merchandise in a display section of a store while carrying a portable scanner capable of reading bar codes on the merchandise. When the consumer decides to purchase specific merchandise, the scanner can thereafter process payments by debit card or credit card.

Appl. No 09/885,050
Amdt. dated July 23, 2003
Reply to Office Action of January 24, 2003

Thus, it is respectfully submitted that the subject system and the Trotta system are directed to entirely different problems and that both teach entirely different solutions to those problems. That is, the subject system is directed specifically with the problem of obtaining transaction approval for a specific form of payment (ie by check) whereas Trotta does not consider or suggest the solution to the problem addressed by the subject system.

More specifically, the subject system has considered from both a functional and structural perspective, the problem of obtaining financial transaction data from a check (which may be in a text, code or handwritten form) and formatting and interpreting that data for approval processing. Trotta does not consider this.

Thus, while Applicant acknowledges that the use of checks for payments is well known, neither Trotta nor the common general knowledge of using checks per se, suggests or otherwise provides motivation to the worker of ordinary skill to modify the scanner of Trotta to be able to format and interpret data from a check. That is, while bar code data is a form of data that is used by Trotta, the interpretation of bar code data is not equivalent to the interpretation of text or handwriting data as is required by the subject claims. As a result, Applicant respectfully submits that the check scanning system of claim 1 is patentably distinguished over Trotta.

In that the remaining claims also provide a similar limitation, it is submitted that the remaining claims are also in a condition for allowance for reasons as outlined above.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted.



Dated: July 23/03

Andrew R. Hicks
Registration No. 39,468

BORDEN LADNER GERVAIS ~~LLP~~ FAX RECEIVED
1100-100 Queen Street
Ottawa, Ontario K1P 1J9
CANADA JUL 23 2003
Telephone No.: (403)232-9717
Facsimile No.: (403)266-1395
Email ipori@bigrcanada.com

ARH/lrk
Attachment
1 Three-month Extension of Time